

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GUSTAVO BERDINI,

Plaintiff,

-against-

NOVA SECURITY GROUP and DELTA
AIRLINES, INC.,

Defendants.
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MEMORANDUM AND ORDER

13-CV-5672 (FB) (CLP)

Appearances:

For the Plaintiff:

GREGORY S. ANTOLLINO
275 7th Avenue, #705
New York, NY 10001

For Defendant Nova Security Group:

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George Beer, LLP
89-31 161st Street, Ste. 307
Jamaica, NY 11432

STEPHEN J FRAHER
Lawler Mahon & Rooney LLP
36 West 44th Street, Ste. 1416
New York, NY 10036

For Defendant Delta Airlines, Inc.:

GEORGE P. McKEEGAN
McKeegan Law, P.C.
120 White Plains Rd, Ste. 125
Tarrytown, NY 10591

BLOCK, Senior District Judge:

On September 2, 2015, Magistrate Judge Cheryl Pollak issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against Nova Security Group (“Nova”), Plaintiff be awarded \$91,819.19 in damages, and that

Nova's cross-claims against Delta Airlines, Inc. be dismissed with prejudiced. The R&R further provided that failure to object within fourteen days would preclude appellate review. To date, no objections have been filed.

If clear notice has been given of the consequences of the failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse a failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk of the Court to enter judgment in accordance with the R&R.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 18, 2015